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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/684,635

10/14/2003

John H. Bridges III

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3706

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04/28/2009

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EXAMINER

SMYTH, ANDREW P

ART UNIT

PAPER NUMBER

2881

MAIL DATE

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04/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/684,635	<b>Applicant(s)</b> BRIDGES ET AL.	
	<b>Examiner</b> ANDREW SMYTH	<b>Art Unit</b> 2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/12/2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/26/2005, 11/30/2007</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Request for Continued Examination (RCE)***

1. Claims 30 and 36 amended.
2. Claims 1-29 canceled.
3. Claims 37-38 are new claims.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 30-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not known what "conducting remediation activities" entails or what steps/ elements it is composed of.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 30-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US 2003/0129082) in light of Hilbert (US 6,192,633) and in view of Sutton (US 5,706,846).

Regarding applicant's claim 30, Weinberg, as modified by Hilbert, discloses 30. A remediation method comprising the steps of:

conducting remediation activities at a site where a biological attack may have occurred (Weinberg ; abstract);

establishing an exclusion zone [Weinberg ; 0012] with restricted access thereto, wherein the exclusion zone includes the site of the suspected biological attack [Weinberg ; [0012];

establishing a contamination reduction zone (Hilbert ; figure 9, 5020, 5030) adjacent to the exclusion zone (Hilbert ; figure 9, 5010), wherein a person entering the exclusion zone or exiting from the exclusion zone does so through the contamination reduction zone, and wherein the contamination reduction zone has located therein means for decontaminating personal protective equipment worn by the person exiting the exclusion zone (Hilbert ; figure 9, 5020, 5030);

establishing a support zone (Hilbert ; figure 9, 5040) adjacent to the contamination reduction zone, wherein the support zone is a clean zone (Hilbert ; figure 9, 5040, 5040) and wherein the support zone includes dressing facilities and equipment; and monitoring weather conditions at the site.

However, Weinberg, as modified by Hilbert, does not disclose monitoring weather conditions at the site.

Weinberg, as modified by Hilbert, discloses substantially the claimed invention except for monitoring weather conditions at the site.

Sutton, teaches: monitoring weather conditions at the site (column 10, lines 1-37), to determine if the weather poses a disruption to the contamination reduction zone and its associated support zones for personnel and equipment and also to determine if the threat of contaminate being redistributed by weather elements such as wind.

Regarding applicant's dependent claims 31-38, Sutton, teaches: monitoring weathers conditions (which is inclusive of wind speed and direction, temperature, humidity, pressure, and lightning) and utilizing that information for establishing conditions of readiness (column 10, lines 1-37) to determine if the weather poses a disruption to the contamination reduction zone and its associated support zones for personnel and equipment and also to determine the possible threat of contamination being redistributed by weather elements such as wind.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to monitor weather conditions at the site, as taught by Sutton, to determine if the weather poses a disruption to the contamination reduction zone and its associated support zones for personnel and equipment and also to determine the possible threat of contamination being redistributed by weather elements such as wind.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art is closely related art that individually or in combination could be considered grounds for rejection. See references cited for a listing of the pertinent prior art found and the prior art found.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Smyth whose telephone number is 571-270-1746. The examiner can normally be reached on 7:30AM - 5:00PM; Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/A. S./  
Examiner, Art Unit 2881

/ROBERT KIM/  
Supervisory Patent Examiner, Art Unit 2881